



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Washington State Department of Agriculture

<input type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 09-24-116 _____ ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 16-92 WAC, Notices of Infraction – Penalty Schedule

Hearing location(s):

Kittitas County Event Center Natural Resources Building
Heritage Center 1111 Washington Street SE
512 N Poplar Street Second Floor Conference Room 259
Ellensburg, WA 98926 Olympia, WA 98504

Date: February 23, 2010 Date: February 26, 2010
Time: 10:00am Time: 10:00am

Submit written comments to:

Name: Teresa Norman
Address: PO Box 42560
Olympia, WA 98504
E-mail: WSDARulesComments@agr.wa.gov
Fax: (360) 902-2092 by 5:00pm, February 26, 2010

Assistance for persons with disabilities: Contact

WSDA Receptionist by February 19, 2010

TTY (800) 833-6388 or (711)

Date of intended adoption: March 8, 2010
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: During the 2009 legislative session, WSDA was given authority to issue notices of and enforce civil infractions for any person found transporting livestock on the public roads of this state without a valid health certificate or permit and to any person who knowingly transports or accepts delivery of live nonambulatory livestock. WSDA is considering developing a new WAC within Chapter 16 that would describe the department's penalty schedule for violations of Chapter 16.36.116, and the monetary amount per violation.

Reasons supporting proposal: Having the ability to issue civil infractions for violations of chapter 16.36 RCW will serve as a deterrent for further violations of the state's animal health requirements, which will protect Washington state's livestock industry and the health, safety, and welfare of the state's citizens.

Statutory authority for adoption: Chapters 16.36 and 34.05 RCW

Statute being implemented: Chapter 16.36 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE

January 15, 2010

NAME (type or print)

Robert Gore

SIGNATURE

TITLE

Deputy Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: January 15, 2010

TIME: 9:03 AM

WSR 10-03-050

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Washington State Department of Agriculture

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Paul Kohrs, DVM	Olympia	(360) 902-1835
Implementation....Paul Kohrs, DVM	Olympia	(360) 902-1835
Enforcement.....Leonard Eldridge, DVM	Olympia	(360) 902-1889

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

RCW 19.85.030(1)(a) requires that an agency prepare a small business economic impact statement (SBEIS) for proposed rules that impose a more than minor cost on businesses in an industry. The department has analyzed the economic effects of the proposed revisions and has concluded that they are negligible costs on the regulated industry and, therefore, a formal SBEIS is not required.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i).